

Remarks

By the foregoing Amendment, claims 1 and 22 are amended. No new matter is added by this Amendment. Entry of the Amendment, and favorable consideration thereof, is earnestly requested.

The Office Action rejects independent claims 1, 22, and 24 under 35 U.S.C. §102(b) as anticipated by Ito, U.S. Patent No. 5,454,366. The Office Action also rejects independent claims 1, 22, and 24 under 35 U.S.C. §102(b) as anticipated by Yabe, U.S. Patent No. 4,741,327. Applicant respectfully requests reconsideration of these rejections in light of the foregoing clarifying amendment and the below remarks.

The Office Action states that Ito and Yabe still read on independent claims 1, 22, and 24 because each of these image sensors has a side (i.e., the edge of the sensor) that is transverse to the longitudinal axis of the shaft. Applicant respectfully submits that this is not a fair reading of claim language reciting an “image sensor transverse to the longitudinal axis of said shaft”. However, Applicant notes that this prosecution has gone on for some time, and thus, for the purpose of expediting prosecution, Applicant has revised claims 1 and 22 so that all claims explicitly recite that it is *the image pick-up surface* of the sensor that is transverse to the shaft axis. Applicant notes that independent claim 24 already includes this claim language, but this was not addressed

in the last rejection. Independent claims 1 and 22 have been amended to include language consistent with independent claim 24 in this regard.

As previously explained, neither Ito nor Yabe disclose such an assembly. With respect to Ito, as shown most clearly in Figure 2 and explained at Col. 3, Ins. 43-49, the image sensor is parallel to the longitudinal axis of the endoscope shaft, and the prism 33 folds the optical axis of the incoming light to reflect it towards the light receiving surface 31a. Similarly, with respect to Yabe, as shown most clearly in Figure 6, the image sensor 40 is parallel to the longitudinal axis of the endoscope shaft, and the prism 36 folds the optical path of the incoming light by ninety degrees. See also Col. 3, Ins. 7-11. Applicant further notes that it would also not have been obvious to modify the designs of Ito and Yabe in order to arrive at the presently claimed invention, for the numerous reasons previously described.

In light of the above, Applicant submits that generic claim 1 is allowable, and thus, withdrawn claims 6, 7, 10-12, and 16 are also allowable.

It is respectfully submitted that claims 1-8, 10-19, and 21-25, all of the claims remaining in the application, are in order for allowance, and early notice to that effect is respectfully requested.

Respectfully submitted,

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